MINUTES OF THE HERITAGE PRESERVATION COMMISSION

CITY OF SAINT PAUL, MINNESOTA

Lower Level – Room 41, City Hall/Court House, 15 West Kellogg Boulevard April 14, 2011

Present: Richard Dana, Renee Hutter, Robert Ferguson, Rich Laffin, John Manning, David

Riehle, Diane Trout-Oertel, Mark Thomas

Absent: Steve Trimble (excused), Matt Mazanec (excused), Matt Hill (excused), Jennifer

Haskamp (unexcused)

Staff Present: Amy Spong, Christine Boulware

BUSINESS MEETING

CALL TO ORDER: 5:04 by John Manning (Chair)

- APPROVAL OF THE AGENDA: The agenda was approved as presented. (Dana, Laffin 10-0)
- II. CONFLICT OF INTEREST: Chair Manning asked for a motion to approve the meeting minutes from February 24, 2011. Commissioner Ferguson asked for a revision to the attendance he was absent, which was excused. Commissioner Trout-Oertel asked for an amendment to the first sentence of the motion to approve the application for 2402-2414 University Avenue West, and gave the revision to staff. The agenda was approved with the amendments 8-0.
- III. CHAIR'S ANNOUNCEMENTS: None were stated.
- IV. STAFF ANNOUNCEMENTS: Staff Spong announced that City Council voted to adopt Victoria Theater as a Heritage Preservation Site. That ordinance will go into effect 30 days from the date its posted in the Legal Ledger. Chair Manning said that the issue of what gets designated should be discussed, perhaps as a business agenda item, including what the HPC brings forward for designation, and how the HPC works with partners in and around the City, and what's going to happen to other resources on University because of Central Corridor.
 - A. February Design Review Statistics (see attached)
 - **B.** March Design Review Statistics (see attached)
 - **C.** Legislative Hearing Notification Staff Boulware said she printed out the hearing schedule for the month of April. The hearing on April 26 has 6 items, one of them being 763 East Fourth Street in the Dayton Bluff's Historic District, which is a vacant category 3. Staff Spong said that 260 Maria is going on the City Council agenda on April 20, also in the Dayton's Bluff Historic District and a vacant category 3. The Legislative Hearing Officer permitted a layover to get more information from staff, but it does appear to be an abandoned property. Staff Spong did recommend to the Legislative Hearing Officer that review be forwarded to the Commission, but that did not happen.

V. OLD BUSINESS:

A. Jacob Schmidt Brewing Company Historic District, generally bounded by Jefferson Avenue on the north, Oneida and Erie Streets on the east, James Avenue on the south, and Toronto Street on the west, Public Hearing to consider the district and accompanying Preservation Program a Saint Paul Heritage Preservation Site and make a recommendation to the City Council. (Spong, 266-6714)

Staff Spong reviewed the staff report for the public hearing that was held by the Commission on March 24. Staff received a letter from SHPO on April 8 stating that the Schmidt Brewery was an excellent candidate for local designation. She confirmed that

Commissioner Trout-Oertel's suggestion that the period of significance be clarified in the nomination was completed. Staff Spong reviewed additional testimonies received in response to the designation following the public hearing. She said that she and Commissioners Trout-Oertel and Ferguson met to discuss the testimony and to review the design guidelines. She told the Commission that because they are asking the City Council to certify the local historic district – and income producing uses could access federal and state historic tax credits – the district boundaries have to meet National Register criteria and standards. She said that she spoke with Susan Roth from SHPO who has been reviewing the boundaries since 2005 and said the challenge was in defining 'workers' housing,' and listed examples in Minneapolis and Duluth where the companies actually built the housing and supporting commercial structures. Staff Spong said that at any one time during the period of significance, there were at least 200 houses related to brewery workers in the neighborhood. She said that expanding the district to include workers' housing would take more in-depth research and would essentially start the process over again. Staff recommended to the Commission that they move forward with the same boundaries that they know meet the National Register criteria and have gone through all the different review processes. Staff Spong reviewed statement added to the resolution for the Commission to consider regarding the neighborhood hiring a consultant to conduct a survey and a context study of workers' housing in order to identify historic resources that meet the criteria for designation as future historic districts or sites. She added that the Legacy Grant Surveys will cover the Uppertown neighborhood, but do not go as far west as the brewery, so it might be best to pick up where those boundaries left off, and then pick up the rest of the West Seventh/Fort Road area.

Staff Spong reviewed another addition to the resolution that requests that upon designation by the Mayor and City Council the final nomination be sent to SHPO and NPS to request certification of a local historic district for rehabilitation tax credit purposes. Commissioner Trout-Oertel pointed out a substitutive change on page 2 of the resolution regarding phrasing of the period of significance. Staff Spong said that if the change is made in the resolution, it will have to be changed in the nomination. She said that SHPO also requested clarification of wording in that same paragraph, and that it might be best to make the revisions in the nomination form at one time prior to going to City Council. The Commission agreed to leave the wording as it is. Commissioner Riehle emphasized the significance of workers' housing in St. Paul, and clarified the meaning of what can be considered workers' housing. Commissioner Thomas referred to the phrase "The Jacob Schmidt Brewing Company Historic District is an excellent example for local designation," on page 2 of the staff report, and suggested that the word "example" should be changed to "candidate." Commissioner Ferguson asked for clarification on how new properties would be handled - will they be separate from or added to the district. Staff Spong said that it would be cleaner to have them stand alone as a separate district. Commissioner Ferguson said that the Fort Road Federation would have to demonstrate the significance of those buildings if they aren't part of the District. Staff Spong referred back to Commissioner Riehle's comment and said that the 1983 survey suggested that the Schmidt Brewery buildings were eligible and identified a collection of houses on Butternut Avenue as worker housing. Chair Manning asked Commissioner Laffin if the resolution regarding the worker housing should be revised to suggest a separate designation from the Brewery District, or if the language should be modified to allow for either a separate or inclusive designation. Staff Spong said that she wanted to have it suggest one over the other. Commissioner Laffin agreed. Chair Manning said he was concerned about the level of encouragement directed toward the Schmidt worker housing, and not necessarily toward other areas deemed worthy of designation. Commissioner Laffin responded that this encouragement is in direct response to community input, which is reflected in the resolution, and is conditional to the efforts made by the neighborhood to get the houses surveyed and designation. Staff

Spong agreed, and said that she did not want to discourage anyone who has a lot of energy and cares about the history of their neighborhood, but that the Commission is trying to be better about their work plan and stay focused on the big projects that they are trying to accomplish, so adding the language to the resolution helps prioritize the survey. Commissioner Ferguson said that he felt the language was appropriate because it encourages survey and study, not designation. Commissioner Laffin said that he would still hope that Staff would go the extra mile if a strong case were made for resources in an outlying area that they be incorporated into the district and to allow that to occur to make the district stronger. Staff Spong said that adding more to a district can actually make its eligibility weaker for the National Register. Commissioner Trout-Oertel asked that the National Register district can vary from the local district. Staff Spong confirmed yes, but that they would like try to keep consistency between both. Commissioner Dana made a motion to adopt the resolution. Commissioner Trout-

Oertel seconded the motion. The motion was passed 8-0.

VI. PUBLIC HEARING/PERMIT REVIEW/After-the-Fact Review:

A. 182 Maple Street, Dayton's Bluff Historic District, by Norma Rios, owner, for the alteration of openings and the replacement of windows and doors. The work was completed without a building permit or HPC review. File #11-013 (Boulware, 266-6715)

Staff Boulware read the staff report for 182 Maple Street. Staff found that the proposal will have a negative impact on the property and the program for preservation in the Dayton's Bluff Historic District. Based on the findings, staff recommends denial of the building permit application. Staff Boulware showed pictures of the property to the Commission. Commissioner Dana asked what the siding consisted of, and how long it's been there. Staff Boulware said that it was aluminum siding over the original clapboard, and it's been there since 1989. Commissioner Riehle asked if the recommendation was to put the two front windows back to the way they were, including infill in the center. Staff Boulware said that the recommendation was for all the windows to go back to the way they were prior to being changed. Because it is a change on the front of the property, it's a change that even if it had been proposed to staff as an alternation, staff wouldn't be able to review it because there is no historic precedent for it on that property. Chair Manning asked if the second floor windows were an issue, or was it separate and had already been dealt with and Staff Boulware responded no, they were not being undertaken here. Commissioner Dana asked Staff Boulware when the windows were changed, and she responded that she did not have a date, but that the application for the work went to DSI in December and staff worked to get more information about what needed to be done, and in February they learned that work had already started without HPC approval. Chair Manning asked for clarification regarding whether or not the work had started back in December when the application had been received. Staff Boulware said she didn't know.

Norma Rios, the owner of 182 Maple Street, approached the Commission with her cousin, Jose Cortez. Chair Manning reiterated the staff recommendations to Ms. Rios. and asked if she knew that she needed to obtain a building permit. Ms. Rios said yes. that she came and filled out the application, and has been waiting for an answer. Chair Manning replied that the work occurred without a permit though. Ms. Rios said yes, that they only changed the two windows on the side, not on the front. Chair Manning asked when the side windows had been changed, and Mr. Cortez replied that those windows were installed when they got the house. Commissioner Hutter asked if Ms. Rios had just bought the house, and she responded that she bought it in November. Staff Boulware said that the emails she was receiving in December were asking when the permit would be completed, the owner wants to move into the property. She said this was a vacant building and there was a code compliance list stating the work that was going to done,

and at the point the building shouldn't have been occupied. Staff Boulware asked when Ms. Rios moved in and she responded that she moved into the house in April. Chair Manning asked when the windows got taken out, and Ms. Rios said she didn't know, that the windows were changed when she moved in. Staff Spong clarified with Staff Boulware that the application they filled out in company with the building application didn't have any information regarding which windows they wanted to replace, and Staff Boulware confirmed that that's what she was working on to determine. Commission Thomas asked what basis they would have to assume that the windows weren't replaced months prior to Ms. Rios purchasing the property. Staff Boulware said that she does not have any documentation. Staff Spong said that staff may want to revise their recommendation based on the testimony to consider putting back only the two side windows and the front door because at this point they don't have anything that validates when the windows were changed. She said that they couldn't track the ownership history, and it could have been someone who was working with the bank. She asked Staff Boulware if the building was foreclosed, and she responded no that it was a vacant Category 2, and that sometime between October 2009 and December 2010 the windows had been changed. Staff Spong asked Mr. Cortez if he purchased the house from a bank or a private party. Ms. Rios said it was purchased from the bank. Staff Spong asked if it was a foreclosure, and Ms. Rios responded that she didn't know. Chair Manning asked Ms. Rios to clarify which windows she'd done work on since she's owned the property. Ms. Rios said that it was the two side windows on the side bay. Commissioner Dana asked if they were casements instead of double hungs. Ms. Rios responded that they were casements. Staff Spong asked if she had replaced the front door. Ms. Rios said only the storm door had been changed. Chair Manning asked if staff had approved the storm door, and Staff Spong said no, not for the front. Commissioner Dana said that the code compliance required some plumbing, ventilation, and electrical work to be done, and asked Ms. Rios if that work had been done. Ms. Rios said ves. Commissioner Dana asked Ms. Rios to clarify if that work had been done after she purchased the house. Ms. Rios responded yes, it was done after. Commissioner Dana said that he verified that that work was permitted, was interior work. and was pulled by licensed contractors. Commissioner Laffin asked if the side casement windows in the side bay were replacing casement windows. Staff Boulware said that the pictures of the property from 2009 show double-hung windows in the side bay. Staff Boulware asked Ms. Rios if the two windows in the side bay that were replaced were double-hung windows. Mr. Cortez confirmed yes. Chair Manning clarified that the windows now are casement windows, but that were replaced lifted up like double-hung windows. Mr. Cortez responded yes. Commissioner Dana asked if Mr. Cortez had done the work himself. Mr. Cortez confirmed that he did.

Chair Manning asked Ms. Rios if she was informed that she was buying a house in an historic district. Ms. Rios said that she bought the house on November 15, 2010. Chair Manning clarified that when a property is purchased in an historic district, you receive notification that you are in an historic district and there are certain requirements to it. Staff Spong asked Ms. Rios if there was a Truth in Sale of Housing form completed. because this is a vacant building, the purchaser can complete a code compliance form in lieu of a TISH form, which has the notification on the front page for the inspector to check, the code compliance form does not always have it. Commissioner Riehle asked Ms. Rios what bank she bought the property from. Ms. Rios said that she didn't remember the name of the bank, but that her realtor will have that information. Commissioner Dana listed High Point Realty in St. Paul Park, and asked Ms. Rios if that was her realtor. Ms. Rios responded yes, that his name is Juan Rodriguez. Commissioner Dana said that he downloaded the letter from DSI to the realty company stating that in order to sell or reoccupy the property the following deficiencies must be corrected, and it lists the various permits and code compliance that is required, but nothing about the historic district or the requirements, and that it does say that the code

compliance form can be used in lieu of the TISH report, which would eliminate the notification that the property is designated. Staff Spong agreed. Chair Manning clarified that they know when the alterations to the two side windows of the side bay and the storm door occurred since the current property owner became the owner, but they don't know when the other alterations of concern happened, so they will only be able to look at the side windows and the storm door, and asked staff to make a recommendation on how to handle those issues given the current findings. Staff Boulware said she would alter the staff recommendation to only include changing the two side bay windows back to double hung windows with appropriate materials and size, and replacing the front storm door to comply with historic district guidelines, which normally require wood. Staff Spong added that they've approved aluminum storm doors if they are a full light and there is a drawing in the Dayton's Bluff design guidelines that illustrates appropriate storm doors for front doors. Staff Boulware said she would leave in the recommendation the 60-day deadline for reverting the changes and the applicant will work with staff to verify that the changes had been made. Staff Spong said they would also have to change any applicable findings, and make a finding based on the applicant's testimony stating that they were responsible for two of the windows and the storm door. Mr. Cortez asked if they have to change the windows back, and Chair Manning responded that a decision hadn't been made yet, but that that was the new staff recommendation for the storm door and two side bay windows. Commissioner Dana asked if the applicant understood why the HPC wanted the changes made, and Mr. Cortez responded that it is an historic house. Commissioner Dana said that the changes are to keep the house the way it was, so if other changes are made to the house, the HPC will want to approve the work that is being done. Chair Manning added that a permit will need to be taken out for the work, which is how they avoid this problem. Commissioner Riehle asked if it was possible to hold the bank accountable. Staff said that there was no way to find out if the bank is at fault. Chair Manning asked if staff could contact the realtor and ask if he knows when the changes were made and under whose ownership and direction. Staff Spong said yes, which would give them an opportunity to pursue other enforcement measures. Chair Manning asked staff if they received any other testimony in writing. Staff Boulware said she did not. Chair Manning closed the public hearing portion of the meeting and asked for a motion. Commissioner Riehle made a motion to adopt the amended recommendation of the staff. Chair Manning said this includes the removal of the non-pertaining findings and adding a new finding summing up the testimony heard during the public hearing about what the property owner has had responsibility for changing since she took ownership. Commissioner Riehle confirmed. Commissioner Dana seconded the motion. The motion was passed 8-0. Commissioner Laffin said that the most egregious thing is the removal of the double-hung windows on the first floor that ruin the character of the whole house, but to the extent that staff can pursue this and perhaps find the money to allow the owner to restore the windows, it would benefit the house and whole neighborhood. Chair Manning said that whoever was responsible for the change will be responsible for the costs of changing it back, and that it could be an improvement to the property that the homeowner wouldn't be responsible for financially. Commissioner Thomas said that it seemed that the owners made the changes to the windows to look like the changes that had already been done, so that all of the windows in the bay were of one type, and asked Ms. Rios of that was true, and she responded yes. Commissioner Thomas asked if there was contact through the local groups, like Historic St. Paul and other community groups that could help with this. Commissioner Laffin said the argument could be made that the windows are all of one type, but that they should be restored to double hungs to remind new owners of how the house used to be if they choose to convert the house back to its original style. Commissioner Dana said they can't allow the casements to remain because they know who put them in, and in spite of the hardship there are procedures based on the designation. Commissioner Trout-Oertel said that this will spark conversations in the neighborhood about how important it is to restore the historic

fabric of their houses. Commissioner Laffin suggested that a story be written about the project in the Community Newspaper, it would be an educational tool to alert people to their stewardship responsibilities to their historic homes. Chair Manning told the homeowners that Christine will follow-up with them to make sure that the changes are done correctly.

VII. NEW BUSINESS/Discussion: None stated.

VIII. Committee Reports

- **A.** Education Committee (Ferguson, Thomas, Trout-Oertel) Staff Spong said that no submittals were received for the Public Hearing at the end of April, so that might be a good opportunity to have a more in-depth discussion about the retreat topics. Commissioners Trout-Oertel and Ferguson said they would not be present at the next April meeting. Chair Manning asked which work groups had an opportunity to reconnect after the retreat, and who was assigned to follow-up with their group members. The Commissioners coordinated who would follow-up with their group members and when they would schedule a follow-up meeting.
- **B.** Greater Lowertown Master Plan Taskforce (Ferguson) Commissioner Ferguson said that the taskforce has not met yet, but that two meetings were being set up the week of April 26 and May 3 when he will be out of town. These meetings will review the outline of the plan. Chair Manning asked if someone should go in Commissioner Ferguson's place, and he said yes. Staff Spong agreed to coordinate that with him.
- C. Saint Paul Historic Survey Partnership Project (Trimble, Manning) Chair Manning said they had a meeting with Ramsey County and Historic St. Paul. Staff Spong said two of three public meetings had been scheduled for the following week. She said that the RFP with Mead and Hunt requires one public outreach meeting in each of the three areas that are getting surveyed as a way to educate the people in the neighborhood who are interested about what this is and to get history and oral feedback from people in the neighborhood. As part of that outreach, Historic St. Paul offers a place on their website for people to submit information and post photographs, but they haven't gotten any feedback. Staff Spong asked the Commission to help get the word out and encourage people to use the website. She said that the dates for the outreach meetings have not been scheduled, and they are behind about three weeks, but they still have to be done in June. Chair Manning reminded the Commission that the survey areas include Frogtown, Payne-Phalen. and Uppertown, and said that separate meetings were being set up with residents through an invitation to gather more specific information about the various areas. Staff Spong said this is new to the original process because there hasn't been much feedback on the website, and that she is trying to set up meetings with some of the steering committee members and Janelle Tummel, the PED marketing outreach person, to see if there are ways as a City department to help get the word out.
- D. Public Safety Building Mitigation The Penfield (Manning) Staff Spong said she received the final documentation report and that she has to send a copy to SHPO. She said that they are leaving the two elevations in place and taking it all down behind it, and building new. Chair Manning said demo has already started at the property across the street for the new city park. Staff Spong said that a demo permit hasn't been pulled yet for the Public Safety Building, it's still being used by the Police Department.
- **E.** 3M Advisory Committee/Workgroups update (Trimble, Mazanec) Staff Spong said that Carol Carey and Steve Trimble were called into a meeting with Laurie Lauder and Monte Hilleman from the Port Authority possibly regarding the demolition of building No. 24, which was part of the MOA, and the water tower.
- **F.** 2011 Heritage Preservation Awards Committee (Hutter, Laffin, Trout-Oertel) The date is May 17, starts at 6:00 PM. Craig Rafferty is the Master of Ceremonies. Only six awards. Need to get the word out about the awards, a press release will be

done. Chair Manning asked if an invitation goes out. Staff Spong said that an invitation goes out to the award recipients, and then to the City's early notification system and local preservation partners. Chair Manning suggested sending an electronic invitation to current and past HPC board members to easily forward it. Staff Spong said that they will be recognizing former board members Lee Meyer and Pat Igo for their service. Commissioner Thomas said that the Community Councils for projects in Historic Districts should be notified. Staff Spong said Union Depot is in an historic district, and they often ask either City Council person for that ward to present or the District Council person. Kathy Lantry has agreed to give opening remarks. John Mannillo is going to be recognized, as is Larry Millett. The Minnesota Building, Giesen-Hauser House, and the James J. Hill House masonry reconstruction will be recognized.

IX. ADJOURN: 6:45

Submitted by: B. Willging